BILL NO. Z-84-09-22 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-23-84

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. Q-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the are described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> Lots Numbered 36, 37, 38, 39, 40, 41 and 42 in White and Detzer's Addition, excepting therefrom the West 20 feet of Lot 42 in White and Detzer's Addition, to Fort Wayne, Allen County, Indiana, according to the plat thereof recorded in Plat Book 2, Page 20 in the Office of the Recorder of Allen County, Indiana

and the symbols of the City of Fort Wayne Zoning Map No. Q-2, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

_____
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

_____
BRUCE O. BOXBERGER, CITY ATTORNEY

BILL NO. Z-84- 09-22

ZONING MAP ORDINANCE NO. Z-_____

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. Q-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an M-1 (Light Industrial) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lots Numbered 36, 37, 38, 39, 40, 41 and 42 in White and Detzer's Addition to Fort Wayne Allen County, Indiana, according to the plat thereof recorded in Plat Book 2, Page 20 in the Office of the Recorder of Allen County, Indiana

and the symbols of the City of Fort Wayne Zoning Map No. Q-2, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Janet G. Bradbury
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,E.S

DATE: 9-25-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Redd, and duly adopted, placed on its passage. PASSED ~~(LOST)~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	9				
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
HENRY	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 10-23-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ ~~(SPECIAL)~~ (ZONING MAP) ORDINANCE ~~(RESOLUTION)~~ NO. Z-23-84 on the 23rd day of October, 19 84,

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Barry A. Bort
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of October, 19 84, at the hour of 11:20 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 25th day of October, 19 84, at the hour of 2:00 o'clock P.M.,E.S.T.

WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED July 1984

INTENDED USE Truck Storage

THIS IS TO BE FILED IN DUPLICATE

I/~~We~~ Kenneth B. Ernst
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from ~~a~~/an R-1 District to ~~a~~/an M-1 District the property described as follows:

Lots Numbered 36, 37, 38,39,40,41, and 42 in White and Detzers Addition to Fort Wayne in Allen County, Indiana, according to the plat thereof recorded in Plat Book 2, Page 20 in the Office of the Recorder of Allen County, Indiana

Deed Record 730, pages 479 and 481

(Legal Descrption) If additional space is needed, use reverse side.

Vacant ground (no address)

(General Description for Planning Staff Use Only)

I/~~We~~, the undersigned, certify that I am/~~We~~ ~~are~~ the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Kenneth B. Ernst	2424 Sunnymeade Drive	Kenneth B. Ernst 424-1590
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitte to the City Plan Commission prior to the legal notice pertaining to the ordina being sent to the newspaper for legal publication. If the request for deferra continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at wh it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that a ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the ma for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

KENNETH B. ERNST	2424 SUNNYMEADE DR.	424-1590
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hear approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 25, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-84-09-22; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 17, 1984;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 24, 1984.

Certified and signed this
11th day of October 1984.

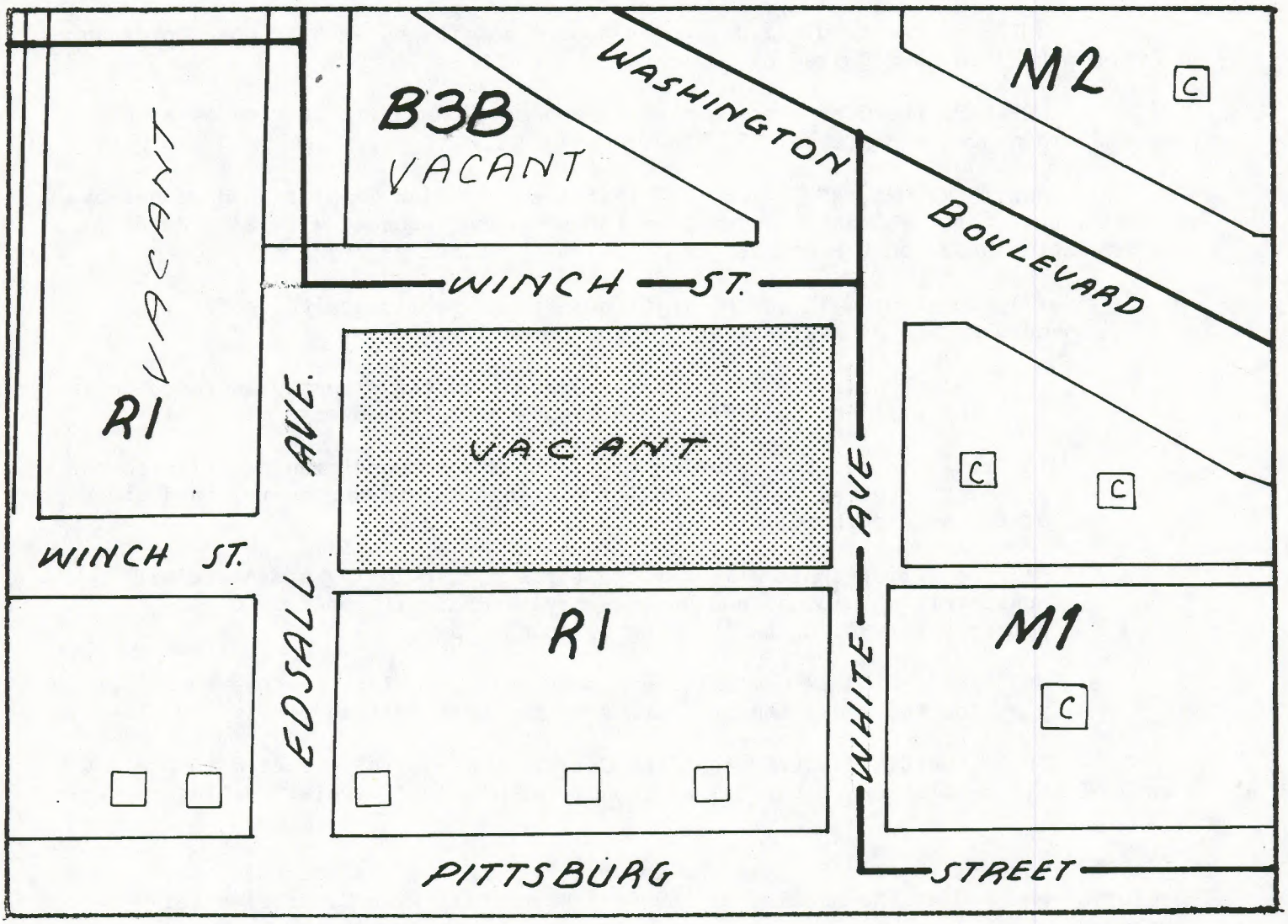
Melvin O. Smith
Secretary

ZONING PETITION - 73

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RI DISTRICT TO AN MI DISTRICT.

MAP NO. Q-2

COUNCILMANIC DISTRICT NO. 1



Zoning:

R1 RESIDENTIAL DISTRICT
B1B BUSINESS DISTRICT
M1 LIGHT INDUSTRY
M2 GENERAL INDUSTRY

Land Use:

SINGLE FAMILY
COMMERCIAL

Z-84-09-22 (AS AMENDED)

NORTH

Scale: 1" = 100'

Date: 8-24-84

BILL NO. Z-84-09-22 (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN ORDINANCE amending the City of Fort Wayne Zoning Map No. Q-2

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

JANET G. BRADBURY, CHAIRWOMAN — Janet G. Bradbury

SAMUEL J. TALARICO, VICE CHAIRMAN — Samuel J. Talarico

CHARLES B. REDD — Charles B. Redd

MARK E. GiaQUINTA — Mark E. GiaQuinta

JAMES S. STIER — James S. Stier

CONCURRED IN 10-23-84
SANDRA E. KENNEDY, CITY CLERK

Prescribed by State Board of Accounts

...E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

№ 10751

FT. WAYNE, IND., July 27 19 84

RECEIVED FROM Ernst Truck Equipment Inc. $ 50.00

THE SUM OF Fifty Dollars 00/100 DOLLARS

ON ACCOUNT OF Rezoning Filing Fee - Ernst Trucking

Gary Burke

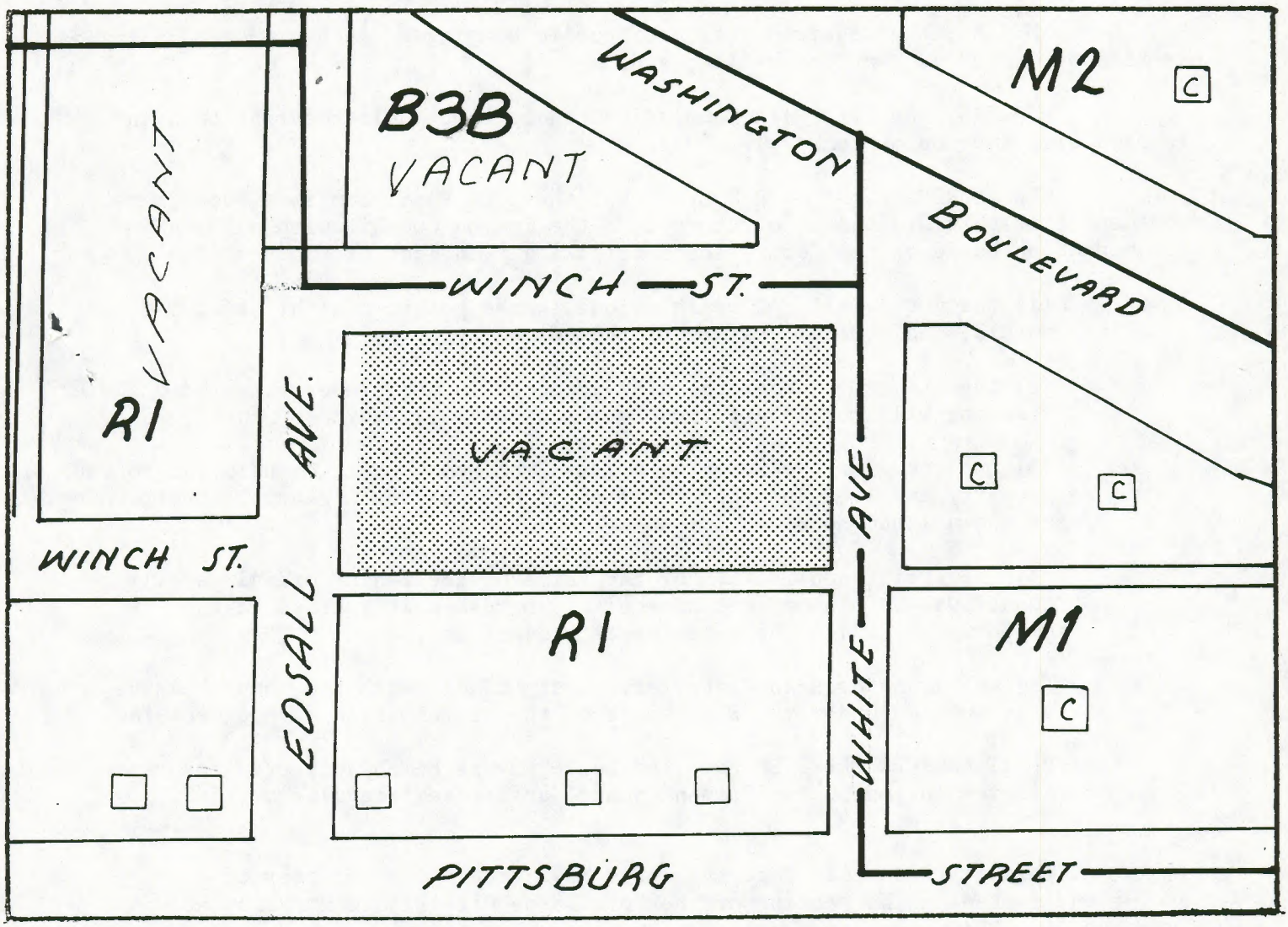
AUTHORIZED SIGNATURE

ZONING PETITION - #73

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RI DISTRICT TO AN MI DISTRICT.

MAP NO. Q-2

COUNCILMANIC DISTRICT NO. 1



Zoning:

RI RESIDENTIAL DISTRICT
BIB BUSINESS DISTRICT
MI LIGHT INDUSTRY
M2 GENERAL INDUSTRY

Land Use:

SINGLE FAMILY
COMMERCIAL

Z-84-09-22 (AS AMENDED)

NORTH

Scale: 1" = 100'

Date: 8-24-84

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 25, 1984, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-84-09-22; and,

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Certified and signed this
11th day of October 1984.

Melvin O. Smith
Secretary

FACT SHEET

Z-84-09-22 (As Amended)
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Ordinance Amendment	None	

DETAILS

Specific Location and/or Address

South side of Winch Street between Edsall and White Avenue.

Reason for Project

Expand Ernst Truck Equipment business on this property.

Discussion (Including relationship to other Council actions)

Mr. Kenneth Ernst, petitioner and one of the owners of Ernst Truck Equipment stated that they have owned the parcel in question for some time. He stated they are now asking for the rezoning because where they are presently located on McDonald Street they have become somewhat isolated by the removal of the stop light at Lumbard & Maumee; then they put a No Truck sign up and then closed the railroad on McDonald for 4 to 6 weeks. He stated due to this isolation they have been doing poorly in business since 1979. He stated that they hope expanding on this location will help revitalize business.

He stated they were asking for an M-1 zone but could possibly operate in a lesser zone. He stated the business is basically general business, they are no different than a car garage, with the exception that they do have some trucks, and they do park trucks but not long term.

Ben Eisbart suggested that Mr. Ernst meet with the Plan Commission staff and see if it were possible to operate in a lesser zone than M-1 and report the results of the

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Kenneth B. Ernst City Department Other
Opponents	Groups or Individuals: None Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [ ] For [ ] Against [ ] No Action Taken [X] For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pas

DETAILS

meeting at the business session of the Plan Commission on September 24, 1984.

There was no one present who wished to speak in favor of or in opposition to the proposed rezoning.

September 24, 1984 - Business Session

Duane Embury read the Site Committee Report:

Site Committee concurs with recommendation for modified partial approval to B-3-B, and retain 20 foot on west as R-1 District for a buffer between commercial and residential to prohibit access and provide landscape planting.

The petitioner stated he had no objection to the zoning being modified to B-3-B.

Motion was made by Duane Embury, seconded by Mel Smith, to return the ordinance to the Common Council with a DO PASS recommendation, motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

CONDITIONS:

Request is modified from M-1 to B-3-B and retain 20 foot on west as R-1 District.

Project Start	**Date**	July 27, 1984
Projected Completion or Occupancy	**Date**	October 9, 1984
Fact Sheet Prepared by	**Date**	October 9, 1984
Patricia Biancaniello		
Reviewed by	**Date**	
Gary Buetta		
Reference or Case Number		

Admn. Appr. _____

ORIGINAL

DIGEST SHEET

ORIGINAL

3-84-09-22

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE Lots 36, 37, 38, 39, 40, 41 and 42 excluding the West 20 feet of Lot 42 in White & Detzer's Addition.

COUNCILMANIC DISTRICT NO. 1

Lots 36, 37, 38, 39, 40, 41 and 42, excluding the West 20 feet of Lot 42 in White & Detzer's Addition.

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential. Property will become B-3-B - General Business.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____